

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JANICE K. LACHMAN, State Bar No. 186131
Supervising Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 445-7384
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8
9
10 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. AL2006-407

13 JODY MARIE CRANE,
a.k.a. JODY MARIE WALLS,
14 a.k.a. KATHLEEN DRAFTON,
a.k.a. MARIE DRAFTON,
15 a.k.a. DIANE RENE GATOWSKY
1108 N. Lincoln Street
16 Redlands, California 92374

STATEMENT OF ISSUES

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Heather Martin ("Complainant") brings this Statement of Issues solely in
22 her official capacity as the Executive Officer of the California Board of Occupational Therapy
23 ("Board"), Department of Consumer Affairs.

24 2. On or about May 29, 2007, the Board received an application for an
25 occupational therapist license from Jody Marie Crane, also known as Jody Marie Walls, Kathleen
26 Drafton, Marie Drafton, and Diane Rene Gatowsky ("Respondent"). On or about May 22, 2007,
27 Respondent certified under penalty of perjury that all of the information contained in the
28 application was true and correct.

[illegible]

4. Code section 2570.27, subdivision (b), states that "[t]he board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any provision of this chapter or the regulations adopted pursuant to it, but who has met all other requirements for licensure."

The board may deny or discipline a licensee for any of the following:

• • • •

• • • •

6. Code section 2570.29 states, in pertinent part:

(a) Obtain or possess in violation of law, or prescribe, or, except as directed by a licensed physician and surgeon, dentist, optometrist, or podiatrist, to administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(1) A controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code.

///

1
2 (c) Be convicted of a criminal offense involving the prescription,
3 consumption, or self-administration of any of the substances described in
4 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
5 record pertaining to, the substances described in subdivision (a) of this section, in
6 which event the record of the conviction is conclusive evidence thereof . . .

7 7. Code section 480 states, in pertinent part:

8 (a) A board may deny a license regulated by this code on the grounds that
9 the applicant has one of the following:

10 (1) Been convicted of a crime. A conviction within the meaning of this
11 section means a plea or verdict of guilty or a conviction following a plea of
12 nolo contendere. Any action which a board is permitted to take following the
13 establishment of a conviction may be taken when the time for appeal has elapsed,
14 or the judgment of conviction has been affirmed on appeal, or when an order
15 granting probation is made suspending the imposition of sentence, irrespective
16 of a subsequent order under the provisions of Section 1203.4 of the Penal
17 Code.

18 (2) Done any act involving dishonesty, fraud or deceit with the intent to
19 substantially benefit himself or another, or substantially injure another; or

20 (3) Done any act which if done by a licentiate of the business or profession
21 in question, would be grounds for suspension or revocation of license.

22 The board may deny a license pursuant to this subdivision only if the
23 crime or act is substantially related to the qualifications, functions or duties
24 of the business or profession for which application is made . . .

25 CONTROLLED SUBSTANCES AT ISSUE

26 8. "Heroin" is a Schedule I controlled substance as designated by Health and
27 Safety Code section 11054, subdivision (c)(11).

28 9. "Marijuana" is a Schedule I controlled substance as designated by Health
and Safety Code section 11054, subdivision (d)(13).

///

///

///

///

///

///

///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49
- 50
- 51
- 52
- 53
- 54
- 55
- 56
- 57
- 58
- 59
- 60
- 61
- 62
- 63
- 64
- 65
- 66
- 67
- 68
- 69
- 70
- 71
- 72
- 73
- 74
- 75
- 76
- 77
- 78
- 79
- 80
- 81
- 82
- 83
- 84
- 85
- 86
- 87
- 88
- 89
- 90
- 91
- 92
- 93
- 94
- 95
- 96
- 97
- 98
- 99
- 100

2

3
4
5
6

7
8
9
10

11
12
13
14
15
16

17
18
19
20
21

2
2
2
22
2
2

1 11550, subdivision (b) (using or being under the influence of a controlled substance, a
2 misdemeanor).

3 f. On or about March 5, 1984, in the criminal proceeding titled *People v.*
4 *Jody Marie Walls* (Super. Ct. County of Orange, North Justice Center, 1984, Case No.
5 MM8402632), Respondent was convicted by the court of violating Penal Code section 488 (petty
6 theft, a misdemeanor).

7 g. On or about May 23, 1985, in the criminal proceeding titled *People v.*
8 *Marie Drafton* (Super. Ct. Los Angeles County, South Dist. Long Beach, 1985, Case No.
9 M215015), Respondent was convicted by the court of violating Penal Code section 647,
10 subdivision (b) (disorderly conduct: prostitution, a misdemeanor). The circumstances of the
11 crime are that Respondent solicited, agreed to engage in, or engaged in an act or acts of
12 prostitution to obtain money for drugs.

13 h. On or about September 18, 1985, in the criminal proceeding titled *People*
14 *v. Jody Marie Walls* (Super. Ct. Los Angeles County, South Dist. Long Beach, 1985, Case No.
15 A031448), Respondent pled guilty to violating Health and Safety Code sections 11351
16 (possession or purchase of a controlled substance for sale, a felony) and 11359 (possession of
17 marijuana for sale, a felony). On October 30, 1985, the imposition of sentencing was suspended
18 and Respondent was placed on probation for a period of 36 months. Respondent was also
19 ordered to serve 365 days in jail. On August 10, 1987, Respondent's probation was revoked and
20 she was sentenced to serve three years in state prison. The circumstances of the crimes are that
21 on or about August 1, 1985, Respondent willfully and unlawfully had in her possession for sale
22 the controlled substances heroin and marijuana.

23 i. On or about December 4, 1985, in the criminal proceeding titled *People v.*
24 *Diane Rene Gutowsky* (Super. Ct. Los Angeles County, South Dist. Long Beach, 1985, Case No.
25 M221595), Respondent was convicted by the court of violating Penal Code section 647,
26 subdivision (b) (disorderly conduct: prostitution, a misdemeanor). The circumstances of the
27 crime are that Respondent solicited, agreed to engage in, or engaged in an act or acts of
28 prostitution to obtain money for drugs.

j. On or about December 10, 1985, in the criminal proceeding titled *People v. Jody Marie Walls* (Super. Ct. Los Angeles County, Southeast Dist. Bellflower, 1985, Case No. M36488A), Respondent was convicted by the court of violating Health and Safety Code section 11550, subdivision (a) (using or being under the influence of a controlled substance, a misdemeanor).

k. On or about November 25, 1986, in the criminal proceeding titled *People v. Jody Marie Walls* (Super. Ct. Los Angeles County, South Dist. Long Beach, 1986, Case No. M233635), Respondent was convicted by the court of violating Penal Code section 459 (burglary, a misdemeanor). The circumstances of the crime are that Respondent entered a K-Mart store with the intent to "shop lift" a wig.

l. On or about December 23, 1986, in the criminal proceeding titled *People v. Kathleen Drafton aka Jody Marie Crane* (Super. Ct. Los Angeles County, West Dist. Airport Courthouse, 1986, Case No. 761829), Respondent was convicted by the court of violating Health and Safety Code section 11550; subdivision (a) (using or being under the influence of a controlled substance, a misdemeanor).

SECOND CAUSE FOR DENIAL

(Fraudulent, Dishonest, or Corrupt Acts)

11. Respondent's application for an occupational therapist license is subject to denial pursuant to Code sections 2570.28, subdivision (h), and 480, subdivision (a)(3), in that Respondent committed fraudulent, dishonest, or corrupt acts that are substantially related to the qualifications, functions, or duties of an occupational therapist, as set forth in paragraph 10 above.

THIRD CAUSE FOR DENIAL

(Dishonesty, fraud or Deceit)

12. Respondent's application for an occupational therapist license is subject to denial pursuant to Code section 480, subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit herself or another, or substantially injure another, as set forth in subparagraphs 10 (b), (c), (f), and (k) above.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

2

3
4
5
6

7

8
9
10

1

1.

1

1

1

1
1
1
2
2
2
2

•

1 follows: On or about January 23, 1984, December 10, 1985, and December 23, 1986,
2 Respondent was convicted of criminal offenses involving the self-administration of controlled
3 substances, as set forth in subparagraphs 10 (e), (j), and (l) above.

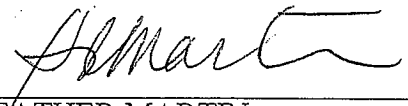
4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the California Board of Occupational Therapy issue a
7 decision:

8 1. Denying the application of Jody Marie Crane, also known as Jody Marie
9 Walls, Kathleen Drafton, Marie Drafton, and Diane Rene Gatowsky, for an occupational
10 therapist license;

11 2. Taking such other and further action as deemed necessary and proper.

12
13 DATED: May 16, 2008

14
15 
16 _____
17 HEATHER MARTIN
18 Executive Officer
19 California Board of Occupational Therapy
20 Department of Consumer Affairs
21 State of California

22
23
24
25
26
27 Complainant
28